

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

BRIAN WARREN,

Petitioner,

Case No. 1:05-cv-791

v.

Hon. Wendell A. Miles

ANDREW JACKSON,

Respondent.

ORDER

This matter is before the Court on Petitioner's Emergency Ex Parte Motion to be Detained in Grand Rapids Under 24/7 House Arrest. (Dkt. #21). For the reasons discussed below, Petitioner's motion is **denied**.

Petitioner is presently serving a sentence of life without the possibility of parole following his conviction of first degree murder. (Dkt. #1). Petitioner is also serving lesser sentences for the crimes of first degree criminal sexual conduct (two counts) and kidnapping. (Dkt. #1). In the present motion Plaintiff requests that he be released from custody and placed under "house arrest" pending resolution of his petition for writ of habeas corpus.

As the Sixth Circuit has held, to obtain release from prison pending resolution of a habeas petition, the petitioner "must be able to show not only a substantial claim of law based on the facts surrounding the petition but also the existence of 'some circumstance making [the motion for bail] exceptional and deserving of special treatment in the interests of justice.'" *Dotson v. Clark*, 900 F.2d 77, 79 (6th Cir. 1990); *see also, Greenup v. Snyder*, 57 Fed. Appx. 620, 621 (6th Cir., Jan. 23, 2003)

(same). Petitioner has failed to demonstrate entitlement to the requested relief. Accordingly, his request is **denied**.

IT IS SO ORDERED.

Dated: April 17, 2006

/s/ Wendell A. Miles
Wendell A. Miles
Senior U.S. District Judge